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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brian Thomas Campbell, *et al.*

Serial No.: 10/527,044

Case No.: MS0010P

Filed: March 8, 2005

Art Unit:  
1626

For: FUSED HETEROBICYCLO SUBSTITUTED PHENYL  
METABOTROPIC GLUTAMATE-5 MODULATORS

Examiner:  
Freistein, Andrew

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION / RESTRICTION REQUIREMENT**

Applicants hereby respond to the Election / Restriction Requirement dated October 28, 2005.

Applicants are required to elect a single invention from among the several inventions identified by the Examiner. Subject to the traversal contained in the remarks provided below, Applicants provisionally elect Group I. Applicants reserve the right to file a divisional application directed to the non-elected subject matter.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

By *D. J. Campbell* 11/28/05  
MERCK & CO., INC.

Further, Applicants respectfully point out that all of the compounds recited in claims 1-11 share numerous common structural features additional to the ring structure noted in the office action at page 7. This election is made with traverse because it is believed there is sufficient structural similarity among the compounds recited in claims 1-11 to present and examine this subject matter in a single application. Given the commonality of the subject matter of claims 1-11, examination of claims 1-11 does not place a serious search burden upon the Examiner. Applicants therefore respectfully request that claims 1-11 be examined in this application.

Applicants are also required to elect a single method of use. Applicants elect a method of treating pain, again subject to the traversal contained in the remarks below.

Applicants believe there is no justification for limiting the method of treatment claims to a single method. Each of the claimed methods is related to the claimed compounds as "product and process of use of said product" and thus form a single incentive concept.

Moreover, the claimed methods are related in that the activity of the mGluR5 receptor may be linked to each of the claimed conditions. Applicants therefore respectfully request that the restriction among the claimed methods of use be reconsidered and withdrawn.

If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Attorney for Applicants can be reached at the telephone number and address below. Correspondence should continue to be sent to the address below. Although no fees are believed to be due, any fees occasioned by this paper or any fee overpayments should be charged or credited to Deposit Account **13-2755**.

Respectfully submitted,

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Date: November 28, 2005